

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN ROBERT DEMOS JR.,

Petitioner,

v.

US SECRETARY OF DEFENSE,

Respondent.

CASE NO. C13-258-JLR-MAT

REPORT & RECOMMENDATION

Bar-order litigant John Demos has filed an application to proceed *in forma pauperis* with a proposed 28 U.S.C. § 2254 habeas petition.¹ (Dkts. 1, 2, 9.) An Order of this Court provides for the return without filing of any petition by Mr. Demos that seeks an extraordinary

¹ Although Mr. Demos attempts to sue for relief via 28 U.S.C. § 2241, it is clear that he brings a § 2254 petition. Mr. Demos is a state prisoner who challenges the validity of his state convictions in the 1970s. (Dkt. 1, at 2.) Contrary to his assertions, there is no indication whatsoever that Mr. Demos is presently incarcerated for life in *state* prison due to his conviction in a *federal* military court. (Dkt. 1, at 2.) Were he challenging a federal conviction from the 1970s, he would be well beyond the one-year statute of limitations for 28 U.S.C. § 2255 motions. *See* 28 U.S.C. § 2255(f).

1 writ pursuant to 28 U.S.C. §§ 1651, 2253 or 2254, unless accompanied by the filing fee. *See*
2 *Demos v. Stanley*, MC97-0031-JLW (W.D. Wash. Mar. 13, 1997).

3 As petitioner has submitted no filing fee, the Court recommends that, pursuant to the
4 Court's Order of March 13, 1997, the Clerk be **DIRECTED** to return petitioner's submissions
5 without filing them, and to strike any pending motions as moot. A proposed Order is attached.
6 The Clerk is directed to send a copy of this Report and Recommendation to Mr. Demos and to
7 the Honorable James L. Robart.

8 Dated this 21st day of March, 2013.

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11 Mary Alice Theiler
12 United States Magistrate Judge
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